

Serial No. 10/634,383

REMARKS

Claims 1-15 and 23-27 are presently pending in the application. Claims 23-27 have been added by this amendment.

Claims 1-5, 7-10 and 12-13 were rejected under §102(b) as being anticipated by *Hodgkins*. Claim 1 has been amended to specify that the first wall surrounds an opening associated with the first tube. Further, amended claim 1 recites that the second wall defines a boundary where the second wall seals against the housing end, and the first wall is unbounded by the second wall. Figure 1 of *Hodgkins* illustrates a first wall 54 that is bounded by the second wall 56 and concentric with one another. The *Hodgkins* arrangement cannot anticipate claim 1 since the second wall also must be fluidly separated from the opening by the first wall.

Claim 23 is also allowable because it claims that the second wall adjoins the first wall and extends there from. The walls 54 and 56 of *Hodgkins* are spaced from one another and cannot meet this limitation.

Claim 5 has been amended to specify that the diverter extends along a longitudinal axis. Figure 1 has been amended to illustrate the longitudinal axis. The first wall is recited as being offset radially from the longitudinal axis. The first and second walls 54 and 56 of *Hodgkins* are concentric with the longitudinal axis and offset. Amended claim 5 is allowable for this reason. New claim 12 is also allowable for this reason.

Claim 10 has been amended to recite that the hole is outside of the second wall. As shown in Figure 1 of *Hodgkins*, the hole of 52 is inside both the first and second walls 54 and 56.

The adhesive previously recited in claim 10 is now recited in claim 26.

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Claim 25 is also allowable over *Hodgkins* since it recites a center tube that includes rings and legs providing a perforate structure. The center tube is also a unitary structure extending from the base of the diverter. The center tube of *Hodgkins* is specifically disclosed as being an imperforate tubular wall.

Claim 27 is also allowable for resetting the first wall as being unbounded by the second wall.

Claims 6 and 14 were rejected under §103 over *Hodgkins* in view of *Miller*. Claim 6 specifies a central wall extending away from the first wall. This is not shown in *Hodgkins*. The Examiner relies upon *Miller* to provide the central wall (argued as element 146 in Figure 16 of *Miller*). The Examiner's motivation for modifying *Hodgkins* with the central wall of *Miller* is to provide a unitary dual radial seal with weight and material reduction while maintaining strength and rigidity. This reasoning logically does not apply to the seal arrangement of *Hodgkins*. *Hodgkins* already has a dual seal arrangement provided by the elements 54 and 56. Adding a central wall extending from either of the seals would actually add weight and material thereby destroying the very benefit urged by *Miller* when applied to the *Hodgkins* seal arrangement. Furthermore, there is nothing in *Hodgkins* indicating that strength and rigidity is somehow lacking or needed. The dual seals 54 and 56 in *Hodgkins* squarely locate the upper portion of the filter cartridge relative to the housing, and elements 70 and 72 firmly support the lower portion of the filter cartridge. Accordingly, there is no need or benefit to using the central wall of *Miller*.

Claim 14 is allowable over *Hodgkins* and *Miller* for the same reasons argued above relative to claim 6.

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Claims 11 and 15 were rejected under §103 over *Hodgkins* in view of *Brown*. Claim 11 recites materials being plastic and the second material being elastomeric. The Examiner simply argues that it would be obvious to modify *Hodgkins* because the materials are common in the filter art. However, this does not establish the Examiner's *prima facie* case of obviousness since the Examiner has not set forth any motivation as to why one of ordinary skill would modify *Hodgkins*. That is, simply stating that something is old or well known is insufficient.

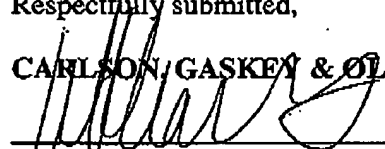
Claim 15 recites that the second material is adhered to the first material. This is not shown in *Hodgkins*. The Examiner argues that one of ordinary skill would modify *Hodgkins* with the adhering taught by *Brown* in order to firmly secure the second material to the first material. However, there is no need to adhere the seals 54 and 56 to the element 50. As can be seen in Figure 1, the seals 54 and 56 are radially located by annular protrusions. There is nothing in *Hodgkins* that would indicate to one of ordinary skill that the *Hodgkins* filter arrangement would benefit from adhering the seals 54 and 56. The Examiner is clearly using hindsight to make the rejection, and the rejection must be withdrawn.

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Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS



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Dated: 4/5/06